

**House File 255 - Introduced**

HOUSE FILE 255

BY LYKAM

**A BILL FOR**

1 An Act requiring a safety examination of the repairs made to a  
2 salvage vehicle prior to issuance of a regular certificate  
3 of title.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.52, subsection 4, paragraphs b and c,  
2 Code 2011, are amended to read as follows:

3 *b.* When a wrecked or salvage vehicle has been repaired,  
4 the owner may apply for a regular certificate of title by  
5 paying the appropriate fees and surrendering the salvage  
6 certificate of title and a properly executed salvage theft and  
7 repair examination certificate. A motor vehicle with a gross  
8 vehicle weight rating of thirty thousand pounds or more is not  
9 subject to the salvage theft and repair examination otherwise  
10 required under paragraph "c", and the owner of such vehicle is  
11 not required to submit a salvage theft and repair examination  
12 certificate. The county treasurer shall issue a regular  
13 certificate of title which shall bear a designation printed on  
14 the face of the title and printed on the registration receipt  
15 indicating that the vehicle was previously titled on a salvage  
16 certificate of title in a form approved by the department.  
17 This designation shall be included on every Iowa certificate  
18 of title and registration receipt issued thereafter for the  
19 vehicle. However, if ownership of a stolen vehicle has been  
20 transferred to an insurer organized under the laws of this  
21 state or admitted to do business in this state, or if the  
22 transfer was the result of a settlement with the owner of  
23 the vehicle arising from damage to or the unrecovered theft  
24 of the vehicle, and if the insurer certifies to the county  
25 treasurer on a form approved by the department that the  
26 insurance company has received one or more written estimates  
27 which state that the retail cost of repairs including labor,  
28 parts, and other materials of all damage to the vehicle is less  
29 than three thousand dollars, the county treasurer shall issue  
30 to the insurance company the regular certificate of title and  
31 registration receipt without this designation.

32 *c.* A salvage theft and repair examination shall be made  
33 by a peace officer who has been specially certified and  
34 recertified when required by the Iowa law enforcement academy  
35 to do salvage theft and repair examinations. The Iowa law

1 enforcement academy shall determine standards for training and  
2 certification, conduct training, and may approve alternative  
3 training programs which satisfy the academy's standards for  
4 training and certification. The owner of the salvage vehicle  
5 shall make the vehicle available for examination at a time and  
6 location designated by the peace officer doing the examination.  
7 The owner may obtain a permit to drive the vehicle to and from  
8 the examination location by submitting a repair affidavit to  
9 the agency performing the examination stating that the vehicle  
10 is reasonably safe for operation and listing the repairs which  
11 have been made to the vehicle. The owner must be present for  
12 the examination and have available for inspection the salvage  
13 title, bills of sale for all essential parts changed, if  
14 applicable, and the repair affidavit. The examination shall be  
15 for the purposes of determining whether the vehicle or repair  
16 components have been stolen and determining that the vehicle  
17 has been repaired in a safe manner. The examination is not a  
18 vehicle safety inspection and a signed salvage theft and repair  
19 examination certificate shall not be construed by any court  
20 of law to be a certification that the vehicle is safe to be  
21 operated. There shall be no cause of action against the peace  
22 officer or the agency conducting the examination or the county  
23 treasurer for failure to discover or note safety defects. If  
24 the vehicle passes the theft and repair examination, the peace  
25 officer shall indicate that the vehicle passed examination on  
26 the salvage theft and repair examination certificate. The  
27 permit and salvage theft and repair examination certificate  
28 shall be on controlled forms prescribed and furnished by the  
29 department. The owner shall pay a fee of thirty dollars  
30 upon completion of the examination. The agency performing  
31 the examinations shall retain twenty dollars of the fee and  
32 shall pay five dollars of the fee to the department and five  
33 dollars of the fee to the treasurer of state for deposit in the  
34 general fund of the state. Moneys deposited to the general  
35 fund under this paragraph are subject to the requirements of

1 section 8.60 and shall be used by the Iowa law enforcement  
2 academy to provide for the special training, certification, and  
3 recertification of officers as required by this subsection.

4

EXPLANATION

5 Under current law, when a wrecked or salvage vehicle has  
6 been repaired, the vehicle must undergo a salvage theft  
7 examination before the salvage title can be traded for a  
8 regular certificate of title. Theft examinations are performed  
9 by specially trained and certified peace officers for the  
10 purpose of determining whether the vehicle or repair components  
11 have been stolen. When the vehicle is presented for theft  
12 examination, the owner must bring along the salvage title,  
13 bills of sale for all essential parts changed, and a repair  
14 affidavit stating that the vehicle is reasonably safe for  
15 operation and listing the repairs which have been made to the  
16 vehicle.

17 This bill expands the scope of the theft examination to  
18 include inspection of repairs made to the vehicle in order  
19 to determine that the vehicle has been repaired in a safe  
20 manner. The examination is not a vehicle safety inspection,  
21 and a salvage theft and repair examination certificate does not  
22 constitute a certification that the vehicle is safe to operate.